

DETAILED ACTION

1. Claims 1-9, 24-27 and 29-39 are pending. Claims 24-27 remain withdrawn from consideration.
2. The abstract submitted November 8, 2007 is not acceptable. The various software modules, e.g. order modification software module, does not have support in the originally filed specification, nor from the drawings.

Claim Rejections - 35 USC § 112

3. Claims 2-9 and 29-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35, lines 2-3, "an order initiation module" is not clear as to what constitutes such.

Claim 35, line 6, "an order notification software module" is not clear as to what constitutes such.

Claim 35, line 9, "an order modification software module" is not clear as to what constitutes such.

Claim 35, line 11, "an order review software module" is not clear as to what constitutes such.

Claim 35, line 14, "an order submission module" is not clear as to what constitutes such.

Neither the descriptive portion of the specification, e.g. pages 2-3, nor the drawings, e.g. Fig. 2, are clear as to what constitutes such.

Clarification is required as to each feature constitutes what and where specific support for each entity is from the specification and drawings.

Claim Rejections - 35 USC § 103

4. Claims 2-9 and 29-40, as understood, are ejected under 35 U.S.C. 103(a) as being unpatentable over Festa, US 2003/0023512.

Festa discloses an interactive on-line catalog where a network appliance, e.g. 1320, 1504, an order modification module, e.g. 1324, 1326, 1327, 1414, "presentation layer," a notification module, e.g. 1312, and users, e.g. 1306. Festa does not disclose the select users. However, as understood, multiple users may use the Festa system and be notified of their purchases. To have provided such for Festa would have been obvious to one of ordinary skill in the art as implementing such common knowledge business acumen to streamline sales would have been obvious.

Applicant's REMARKS have been reviewed, but are not convincing. There is no aggregation recited by Applicant that defines over Festa. Festa's priority date of April 16, 2001 from the various provisional applications are listed on the front of the Festa.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Joseph Rudy/
Primary Examiner, Art Unit 3627